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UNITED STATES DEPARTMENT OF AGRICULTURE

FOREST SERVICE

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STATE FORESTRY LAWS

A parallel classification showing the comparative progress of each State in forestry legislation

TEXAS

(Serial 1—Through Reg. Sess., 1915)

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PURPOSE OF COMPILATION

Information about the forestry laws of the various States, especially about those laws dealing with certain specific problems, is being demanded more and more; and requests for such information, coming from legislators, State administrative officers, forestry associations, forest schools, and other bodies and individuals, have led to the compilation, informally, of such State laws as bear more or less directly on the practice of forestry.

The purpose of the compilation, of which this serial is a part, is to make easy a comparative study of the laws of the different States and to further the development of practical forestry legislation. By the classification of the laws and parts of laws under the headings: "Administration," "Fires," "Public Forests," and "Taxation," the comparison is simplified, and the progress of each State, or lack of it, in these particulars, is clearly shown.

The better to accomplish this educational aim, the great mass of timber and tree laws and those finer points of reference proper only to a legal or administrative manual have been omitted.

PART I.—ADMINISTRATION.

(This division comprises the provisions of law, if any, defining the general administrative duties of the regularly constituted State forestry officials; also certain miscellaneous forestry provisions. For specific provisions, if any, concerning administrative duties of these or other State officers in connection with forest fires, State and municipal forests and nurseries or other State lands, or forest taxation, see Parts II, III, and IV, respectively.)

SEC. 1, CH. 141, L. 1915.

State Forester: Appointment — Qualifications — Compensation and expenses—Assistants and employees—Action re fires—Prosecutions by—Forest data—Co-operation—Reports by.—That there shall be appointed by the Board of Directors of the Agricultural and Mechanical College of Texas a State Forester, who shall be a technically trained forester of not less than two years' experience in professional forestry work; his compensation shall be fixed by said board at not to exceed three thousand (\$3,000) dollars per annum, and he shall be allowed

reasonable traveling and field expenses incurred in the performance of his official duties. He shall, under the general supervision of said board, have direction of all forest interests and all matters pertaining to forestry within the jurisdiction of the State. He shall appoint, subject to the approval and confirmation of said board, such assistants and employes as may be necessary in executing the duties of his office and the purposes of said board, the compensation of such assistants and employes to be fixed by the said board. He shall take such action as may be deemed necessary by said board to prevent and extinguish forest fires, shall enforce all laws pertaining to the protection of forest and woodlands, and prosecute for any violation of such laws; collect data relative to forest conditions, and to co-operate with land owners as described in Section 2 of this Act. He shall prepare for said board annually a report on the progress and condition of State forestry work, and recommend therein plans for improving the State system of forest protection, management and replacement.

SEC. 2.

Cooperation in preparing forest working plans—Expense.—That the State Forester shall, upon request, under the sanction of the Board of Directors, and whenever he deems it essential to the best interests of the people of the State, cooperate with counties, towns, corporations or individuals in preparing plans for the protection, management and replacement of trees, woodlots and timber tracts, under an agreement that the parties obtaining such assistants [assistance] pay at least the field expenses of the men employed in preparing said plans.

SEC. 5.

Annual appropriation for State forestry fund.—That for the maintenance, use and extension of the work under the Board of Directors, and for forest fire protection, there is hereby appropriated the sum of ten thousand (\$10,000) dollars annually out of any moneys in the State Treasury not otherwise appropriated, to be placed to the credit of the State forestry fund.¹

SEC. 6.

Cooperation with Federal Forest Service.—That the Board of Directors may co-operate with the Federal Forest Service under such terms as may seem desirable.

PART II.—FIRES.

(This division comprises the general provisions of law, if any, concerning protection from forest fires. For localized provisions, if any, concerning protection of State-owned lands, see Part III.)

(1) PROTECTIVE SYSTEM.

(This subdivision comprises the provisions of law, if any, defining the personnel, and the administrative duties, of the State organization charged with the prevention, detection, control, and extinguishment of forest fires. For specific provisions, if any, concerning similar duties in connection with railroad fires, slash disposal, and fallow and other fires, see subdivisions (2), (3), and (4), respectively.)

SEC. 1, CH. 141, L. 1915.

State Forester: Action re fires.— * * * He [State Forester] shall take such action as may be deemed necessary by said board [Board of Directors of the Agricultural and Mechanical College of Texas] to prevent and extinguish forest fires, shall enforce all laws pertaining to the protection of forest and woodlands, and prosecute for any violation of such laws; * * *.²

ART. 4042, CH. 3, REV. CIV. STAT., 1911.

Game, fish and oyster commissioner and deputies made fire commissioners; duties of.—The game, fish, and oyster commissioner and his deputies appointed under the provisions of this chapter are hereby made fire commissioners, and it shall be their duty, in addition to their duties provided for in this chapter, to caution sportsmen or other persons, while in the woods or marshes or prairies, of the danger from fire, and to extinguish all fires left burning by

any one, to the extent of their power, and to give notice to any and all parties interested, when possible, of fires raging and beyond their control, to the end that same may be controlled and extinguished. [Acts 1907, p. 257, sec. 12.]

(2) RAILROAD FIRES.

(This subdivision comprises the provisions of law, if any, defining the responsibility of railroad and logging companies, the precautions to be taken by them, and their liability for damages occasioned in the operation and maintenance of their trains and rights of way; also provisions concerning the use of spark arresters and other safeguards on traction, thrashing, other portable and sawmill engines, and boilers.)

(3) SLASH DISPOSAL.

(This subdivision comprises the provisions of law, if any, for slash disposal after lumbering and other cutting operations.)

(4) FALLOW AND OTHER FIRES.

(This subdivision comprises the provisions of law, if any, concerning the burning of fallow, brush, etc., by farmers, and the general setting of fires to woods by hunters, fishermen, and others.)

ART. 1218, PENAL CODE, 1911.

Burning woodland or prairie—Penalty.—If any person shall wilfully or negligently set fire to, or burn, or cause to be burned, any woodland or prairie, not his own, he shall be punished by fine not less than fifty nor more than three hundred dollars. [Act April 14, 1883, p. 102.]

ART. 1219.

Offense complete, when.—The offense named in the foregoing article is complete where the person offending sets fire to his own woodland or prairie and the fire communicates to the woodland or prairie of another.

ART. 1225.

Firing grass in inclosure of another—Penalty.—Any person who shall wilfully fire any grass within any inclosure, not his own, in this state, with intent to destroy the grass in such pasture, or any part thereof, or any person who shall fire the grass on the outside of any inclosure with the intent to destroy the grass in such inclosure, by the communication of said fire to the grass within, shall be deemed guilty of a felony, and, upon conviction, punished by confinement in the state penitentiary for a term of not less than two nor more than five years. [Act Feb. 7, 1884, pp. 66, 67.]

PART III.—PUBLIC FORESTS.

(This division comprises the provisions of law, if any, for the establishment and care of State and municipal forests and nurseries, and for the practice of forestry on these and on other lands owned by the State.)

(1) STATE FORESTS.

(For other provisions, if any, concerning State forests and nurseries, see Part I.)

SEC. 3, CH. 141, L. 1915.

State Forests: Acquirement of lands—Use of—Funds available for—Title deeds.—That the Governor

¹ For State forestry fund, see sec. 4, on p. 3.

² For full text of this section, see p. 1.

of the State is authorized, upon the recommendation of the Board of Directors, to accept gifts of land to the State, same to be held, protected and administered by said board as State forests, and to be used so as to demonstrate the practical utility of timber culture and water conservation, and as refuges for game. Such gifts must be absolute except for the reservation of all mineral and mining rights over and under said lands, and a stipulation that they shall be administered as State forests.

The Board of Directors shall have the power to purchase lands in the name of the State, suitable chiefly for the production of timber, as State forests, using for such purposes any special appropriation or any surplus money not otherwise appropriated, which may be standing to the credit of the State forestry fund.

The Attorney General of the State is directed to see that all deeds to the State of land mentioned in this section are properly executed before the gift is accepted or payment of the purchase money is made.

SEC. 4.

State forestry fund created.—That all moneys received from the sale of wood, timber, minerals or other

products from the State forests, and penalties for trespassing thereon, shall be paid into the State Treasury, and shall constitute a State forestry fund ¹, and the moneys in said fund are hereby appropriated for purposes of forestry in general, under the direction of the Board of Directors.

(2) OTHER STATE LANDS.

(Laws which provide merely for the protection of State lands other than State forests from fire and from timber and other forms of trespass, and for the sale of timber and other forest products therefrom, are not included because their intent is not one of forestry.)

(3) MUNICIPAL FORESTS.

PART IV.—TAXATION.

(This division comprises the provisions of law, if any, covering the classification and taxation of forested lands and lands to be forested, the purpose of which is to encourage the practice of forestry by private owners; also such bounty and exemption laws as have a like purpose. For similar taxation provisions, if any, concerning State or municipal forests, or other State lands, see Part III.)

¹ See also sec. 5, on p. 2.

